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FILED

March 7, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF
THE LICENSE OF

LYNN CAROL BRAUNSTEIN, M.D.:
License No. MA79358

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF
NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Medical Examiners (Board) upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Lynn Carol Braunstein, M.D., License No. MA79358, is a physician licensed in the State of New Jersey and has been licensed at all times relevant hereto.
2. On or about December 15, 2005, the New York State, Department of Health, State Board for Professional Medical Conduct, (New York Board) issued a Statement of Charges against Respondent alleging that Respondent committed professional misconduct as

defined by N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion. Specifically, the New York Board alleged that during periods in or about 2000 (Patient A) and 2002 (Patient B), Respondent failed to interpret diagnostic studies of patients A and B appropriately, failed to diagnose their conditions appropriately, and, therefore, failed to render appropriate care and treatment. On or about December 22, 2005, the New York Board entered a Consent Order adopting the terms of the Consent Agreement executed by Respondent. Pursuant to the terms of the Consent Agreement, Respondent did not contest the charge of negligence on more than one occasion filed against her and agreed to be placed on probation for a period of thirty-six (36) months. Respondent also agreed to be subject to a censure and reprimand.

CONCLUSION OF LAW

1. The above disciplinary action taken by the sister state of New York provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(d), in that Respondent has engaged in repeated acts of negligence, malpractice or incompetence.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline "reprimanding" Respondent was entered on April 25, 2006 and a copy served on Respondent. The Provisional Order of

Discipline was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

In response to the Provisional Order of Discipline, Respondent's attorney sent a letter to the Board dated May 8, 2006 requesting that the terms of the Provisional Order of Discipline be modified to mirror the terms of the New York Board's Consent Order which allows Respondent to petition for a reduction in the probationary period at the end of twenty-four months. Further, Respondent's counsel requested that the Provisional Order of Discipline be modified to impose the probationary period retroactively and concurrent with the thirty-six month probationary period imposed by New York State (effective December 31, 2005) which would credit the Respondent for the months that she has already been on probation in New York State and would result in the probationary periods in both States to run simultaneously. Respondent's counsel asserts that Respondent has had a practice monitor in place and has provided documentary proof of completion

of the continuing medical education courses which were required in the New York State Consent Order and Agreement. Lastly, Respondent's counsel maintains that Respondent is employed full-time in New York State, has never practiced and has no future plans to practice medicine in the State of New Jersey.

Respondent's submissions were reviewed by the Board, the Board determined that further proceedings were not necessary, that no material discrepancies had been raised and Respondent did not dispute the Findings of Fact or Conclusions of Law. The Board was not persuaded that the submitted materials merited further consideration or mitigation of penalty and therefore did not find cause to amend the discipline.

ACCORDINGLY, IT IS on this 7th day of March, 2007,
ORDERED THAT:

1. Respondent shall be and is hereby "reprimanded" by the New Jersey State Board of Medical Examiners.
2. Respondent's license to practice medicine and surgery in the State of New Jersey shall be and is hereby placed on probation for a period of thirty-six (36) months.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS
By: Sindy M. Paul, MD, MPH
Sindy Paul, M.D.
Board President